



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

viding for conviction of attempt under an indictment for the completed offense.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 655.]

10. Intoxicating Liquors (§ 138*)—Attempt to Transport Ardent Spirits Will Support Prosecution.—Under Acts 1918, c. 388, § 3a, making it unlawful to attempt to do any of the things prohibited by that act, an attempt to transport ardent spirits, is a sufficient foundation for a prosecution and conviction.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 34.]

11. Intoxicating Liquors (§ 138*)—Acts Held to Constitutę Attempt to Transport Spirits.—Where one who had arranged that whisky should be left for him in a haystack went there intending to carry it away, and reached into the place where it had been, and was feeling for it, he was guilty of an attempt to transport ardent spirits, though the whisky had previously been removed by others.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 34.]

12. Criminal Law (§ 1171 (1)*)—Erroneous Statement of Law in Argument Held Harmless in View of Evidence.—On a trial for attempting to transport ardent spirits which defendant went after for the purpose of transporting, but failed to find, the argument of the prosecuting attorney that, if he thought the liquor was there, and had previously made arrangements for it to be put there, and went after it, he was guilty though the liquor had never been put there, if treated as an interpretation of the instructions, and as such erroneous, could not have prejudiced defendant where the evidence showed that the whisky had been placed there.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 597.]

Error to Corporation Court of Radford.

Albert L. Collins was convicted of an offense, and he brings error. Affirmed.

V. M. Sowder, of Christiansburg, and *R. L. Jordan*, of Radford, for plaintiff in error.

H. C. Tyler, of East Radford, for defendant in error.

WAMPLER et al. v. CORPORATION OF NORTON.

Sept. 21, 1922.

[113 S. E. 733.]

1. Intoxicating Liquors (§ 236 (5)*)—Finding of Liquor Held to Support Conviction for Keeping with Intent to Sell.—Under Acts 1918, c. 388, § 28, creating a prima facie presumption of a violation by the occupant of premises on which ardent spirits is found, the finding of such spirits sustained a conviction as to the occupant of the premises, notwithstanding the possibility that some other person might be guilty.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 35.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

2. Intoxicating Liquors (§ 236 (5*))—Statutory Presumption from Finding of Liquor as against Occupant Construed.—Acts 1918, c. 388, § 28, making the finding of ardent spirits on premises prima facie evidence of a violation of law by the persons occupying the premises, refers to the person in charge of the premises.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 35.]

3. Intoxicating Liquors (§ 236 (5*))—Statutory Presumption from Finding of Liquor Applies against Husband, and Not against Wife.—The changes in the laws respecting marital rights have not destroyed the theoretical status of the husband as the head of the family, and, in the absence of proof to the contrary, he, and not the wife, is to be regarded as the person in charge of the family home within Acts 1918, c. 388, § 28, making the finding of ardent spirits on premises prima facie evidence of violation by the person in charge, or an ordinance to the same effect.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 228.]

4. Husband and Wife (§ 107*)—Husband and Wife May Be Jointly Convicted.—A husband and wife may be jointly charged and convicted for selling whisky.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 228.]

5. Husband and Wife (§ 108*)—Wife Cannot Escape Criminal Liability Because of Marriage.—A married woman cannot excuse herself from guilt on a criminal charge by showing the marriage, and pleading a consequent technical coercion by the husband.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 228.]

Error to Circuit Court, Wise County.

Edna Wampler and Henry Wampler were convicted of keeping ardent spirits for sale, and they bring error. Affirmed as to defendant Henry Wampler, and reversed as to defendant Edna Wampler.

D. F. Kennedy, of Wise, for plaintiffs in error.

John Roberts, of Norton, for defendant in error.

SPRADLIN *v.* CITY OF ROANOKE.

Sept. 21, 1922.

[113 S. E. 732.]

1. Indictment and Information (§ 132 (8*))—Discretionary with Court Whether to Require State to Elect.—On a trial under a warrant charging defendant with selling, transporting, storing, and having possession of ardent spirits, it was in the sound discretion of the trial court to grant or refuse a motion to require the city to elect upon which charge it would ask a conviction.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 30.]

2. Indictment and Information (§ 196 (7*))—Right to Require Elec-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.